

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Participation in Minerec Bankruptcy  
Proceeding and Related Settlement Discussions)**

**RESOLUTION NO. 94-477**

**WHEREAS, Arizona Mining Products Corporation, d/b/a Minerec ("Minerec"), is a chemical processing enterprise doing business on allotted lands in the San Xavier District; and**

**WHEREAS, disputes have arisen concerning whether Minerec is trespassing on allotted lands or otherwise has a lawful right to conduct business in the San Xavier District, and whether Minerec's operations present a danger to the health, safety and welfare of members of the Nation and citizens of the Tucson community; and**

**WHEREAS, Minerec's operations are conducted on lands within the governmental jurisdiction of the Nation and Minerec is therefore required to comply with all laws of the Nation applicable to its activities; and**

**WHEREAS, Minerec has failed to (1) secure a license to conduct business within the Nation and (2) pay to the Nation transaction privilege taxes, as required by the Nation's Transaction Privilege Taxes Ordinance, Ordinance No. 03-81 (as amended by Resolution 224-84); and**

**WHEREAS, Minerec's failure to secure authorization to conduct business within the Nation and failure to pay taxes provide grounds to initiate proceedings in the Nation's Judicial Court to secure (1) an order for the removal and**

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**exclusion of Minerec from the San Xavier District pursuant to Ordinance No. 02-82 and (2) a damage judgment against Minerec in the amount of unpaid taxes, plus interest and penalties; and**

**WHEREAS, Minerec has initiated a proceeding in the United States Bankruptcy Court, captioned In re Arizona Mining Products Corporation, Inc., dba Minerec, No. 94-1790-TUC-LO (the "Minerec Bankruptcy Proceeding"); and**

**WHEREAS, at the request of the presiding judge in the Minerec Bankruptcy Proceeding, the Honorable Richard Bilby, a judge in the United States District Court in Tucson, has agreed to serve as a settlement judge for purposes of determining whether a resolution of the Minerec disputes can be reached among the interested parties; and**

**WHEREAS, Judge Bilby has scheduled a settlement conference for 9:30 A.M. on November 15, 1994 and invited all persons with an interest in the Minerec issues to attend and participate; and**

**WHEREAS, Judge Bilby has requested that, on or before November 14, 1994, persons having an interest submit to him a confidential summary setting forth a position on Minerec**

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**issues affecting them; and**

**WHEREAS, it is advisable for the Nation to participate in the settlement conference and to protect its interests in the Minerec Bankruptcy Proceeding.**

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. The Nation's Attorney General is hereby authorized to file a claim in the Minerec Bankruptcy Proceeding for past-due taxes owed by Minerec and to take such other action in the Proceeding or the Nation's Judicial Court as may be necessary or appropriate to protect the Nation's interests.**
- 2. As requested by Judge Bilby, the Attorney General is authorized to file the confidential written position of the Nation regarding the Minerec issues which relate to concerns about the health, safety and welfare of the Nation's members, the lack of authority for Minerec to conduct business within the Nation, the failure of Minerec to pay transaction privilege taxes, the remedies available to the Nation to address these violations of the Nation's laws and such other matters as may be consistent with the interests of the Nation.**

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**3. The Attorney General is further authorized to participate on the Nation's behalf in settlement discussions concerning the Minerec issues, provided that the Nation's agreement to any settlement shall be subject to prior approval of the Legislative Council. In connection with the settlement negotiations and to the extent reasonably possible, the Attorney General shall consult with and consider the views of the United States Environmental Protection Agency, the United States Justice Department, the San Xavier District, the San Xavier Development Authority and the Papago-Tucson Foreign Trade Zone Corporation.**

**The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 10TH day of NOVEMBER, 1994 at a meeting at which a quorum was present with a vote of 1,583.0 FOR; -0- AGAINST; -0- NOT VOTING; and 180.0 [10] ABSENT, pursuant to the powers vested in the Council by Section 1(c)(1), (6) and (7), Section 1(i)(1), and Section 2(c) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

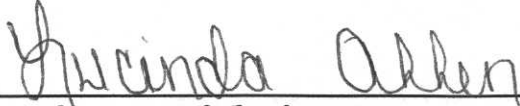
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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
for **Alex J. Ramon, Legislative Chairman**

11 day of Nov., 1994

**ATTEST:**

  
**Acting Legislative Secretary**

11th. day of November, 1994.

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11 day of Nov., 1994 at 1:04 o'clock, P..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

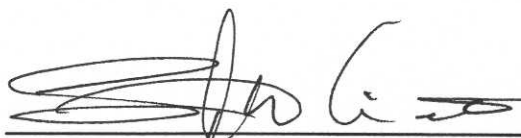
  
for **Alex J. Ramon, Legislative Chairman**

**APPROVED**

on the 11 day of November, 1994

**DISAPPROVED**

at 1:28 o'clock, P..M.

  
**SYLVESTER LISTO, Chairman**  
**TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 11<sup>th</sup> day of  
November, 1994, at 1:57 o'clock, P.M.

Yucinda Allen  
**Acting Legislative Secretary**

**ACTION:** AUTHORIZING PARTICIPATION IN MINEREC BANKRUPTCY PROCEEDING AND RELATED SETTLEMENT DISCUSSIONS

**MOVED:** COUNCILMAN DENNIS RAMON

**SECOND:** COUNCILMAN ANDREW PATRICIO

**DATE:** NOVEMBER 10, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak</b> 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			X
<b>SELLS</b> 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			X
<b>SCHUK TOAK</b> 113.0	1. FRANCES FRANCISCO ( )	56.5	X			X
	2. KENNETH J. ANTONE ( )	56.5	X			
<b>SAN XAVIER</b> 135.0	1. EUGENE ENIS, SR. ( )	67.5	X			
	2. DENNIS RAMON ( )	67.5	X			
<b>BABOQUIVARI</b> 230.0	1. FRANCES MIGUEL ( )	115.0	X			X
	2. EARL A. FRANCISCO ( )	115.0	X			
<b>GU ACHI</b> 180.0	1. WILLARD ANITA ( )	90.0				X
	2. ALEX J. RAMON (Marian Johnson)	90.0				X
<b>PISINEMO</b> 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			X
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
<b>SAN LUCY</b> 98.0	1. JOHN RENO ( )	49.0	X			X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
<b>GU VO</b> 124.0	1. EMILIO LEWIS ( )	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
<b>HICKIWAN</b> 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	X			X
	2. LLOYD FRANCISCO ( )	68.0	X			
<b>CHUKUT KUK</b> 178.0	1. MARILYN FRANCISCO	89.0	X			X
	2. KENNETH WILLIAMS ( )	89.0	X			
<b>TOTAL</b>		<b>1,763.0</b>	<b>1,583.0</b>	<b>-0-</b>	<b>-0-</b>	<b>180.0</b> <b>[10]</b>

**\*\*PASSED VOTES**